

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEVIN B.1,
Plaintiff(s),

v.

Case No. 2:22-cv-2552
(Litkovitz, MJ ; Consent Case)

Commissioner of Social Security,
Defendant(s).

JUDGMENT IN A CIVIL CASE

☐ **JURY VERDICT:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **DECISION BY COURT:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: ORDER THAT plaintiff's Statement of Errors (Doc. 9) is **SUSTAINED** and the Commissioner's non-disability finding is **REVERSED AND REMANDED FOR FURTHER PROCEEDINGS** consistent with this Order. The ALJ on remand must (1) reevaluate plaintiff's headache impairment at step three of the sequential evaluation process and provide a full discussion of Listing 11.02B and 11.02D equivalency, (2) reassess plaintiff's RFC, and (3) reassess plaintiff's subjective complaints consistent with this opinion. (Doc. 13).

Date: June 26, 2023

1 The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

Richard W. Nagel, Clerk of Court
By: s/Arthur Hill, deputy clerk